
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 34/2025**

Precautionary Measure No. 917-20

José Ángel Peñaloza Hernández *et al.* regarding Mexico¹

April 19, 2025

Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Franco Peñaloza Hernández, Yazmín Yareli Sánchez, José Ángel Peñaloza Hernández, and Paulina Lemus Hernández, in Mexico. At the time of making the decision, the Commission assessed the actions taken by the State during the implementation, as well as the lack of information from the representation. Taking into account the nature of the precautionary measures and in light of the information available, the Commission considered that it is not possible to establish a situation presenting a risk under the terms of Article 25 of its Rules of Procedure at this time. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures.

II. BACKGROUND INFORMATION

2. On October 9, 2020, the IACHR granted precautionary measures in favor of Franco Peñaloza Hernández, Yazmín Yareli Sánchez, José Ángel Peñaloza Hernández, and Paulina Lemus Hernández, in Mexico. The request indicated that the beneficiaries had been missing since they were taken into a police vehicle during a roadblock in the town of Copetiro, Michoacán, on September 2, 2020. A few days later, they were reportedly seen in the town of Los Reyes, Michoacán and since then, their whereabouts and location have been unknown. On that occasion, in view of the lack of determination of the beneficiaries' situation and whereabouts, the Commission required that the Government of Mexico:

- a) adopt the necessary measures to determine the whereabouts or fate of Franco Peñaloza Hernández, Yazmín Yareli Sánchez, José Ángel Peñaloza Hernández and Paulina Lemus Hernández, in order to protect their rights to life and personal integrity. In this sense, the Commission urges the State to guarantee effective search measures through its specialized mechanisms created for such purposes;
- b) agree upon the measures to be adopted with the representative of the beneficiaries; and,
- c) report on the actions taken in order to investigate the alleged facts that led to the adoption of this resolution with the aim of avoiding their repetition.²

III. INFORMATION PROVIDED DURING THE TIME THESE PRECAUTIONARY MEASURES WERE IN FORCE

a. Procedure during the time the measures were in force

¹ In accordance with Article 17(2)(a) of the IACHR Rules of Procedure, Commissioner José Luis Caballero Ochoa, a Mexican national, did not participate in the debate and deliberation of this matter.

² IACHR, [Resolution 66/2020](#), Precautionary Measures No. 917-20, José Ángel Peñaloza Hernández et al. regarding Mexico, October 9, 2020.

3. During the time the precautionary measures were in force, the Commission followed-up on the situation by requesting information from the parties. In this regard, communications have been received from the parties and sent from the IACHR on the following dates:

| | State | Representation | IACHR |
|-------------|-------------------|-----------------------|----------------------------------|
| 2021 | May 12, October 6 | No information | April 28, October 5, November 16 |
| 2022 | No information | No information | December 31, July 11 |
| 2023 | March 28 | No information | May 14 |
| 2024 | No information | No information | November 1 |
| 2025 | January 22 | No information | February 14 |

4. The State’s communications have been forwarded to the representation and it was indicated that the IACHR will proceed to evaluate keeping the precautionary measures in force. The representation did not submit updates during the time these measures were in force, despite the multiple requests for information. All deadlines have since expired.

5. At the request of the representation, their identity has been kept confidential.³

b. Information provided by the State

6. In its 2021 report, the State reported that on September 6, 2020, the Michoacán State Office of the Attorney General (FGM) opened an investigation into the crime of disappearance committed by private individuals against the beneficiaries. On that same day, further information was obtained from M.G.P.H., a relative of the beneficiaries, and the Forensic Services were requested to take samples from other family members. On September 7, the support of the Prosecutor of Los Reyes Salgado, Michoacán, was requested to carry out investigative actions in Copetiro, Michoacán. On September 8, a report was received from the Hospital and the Apatzingán Penitentiary Center, which did not reference the beneficiaries. It was also indicated that the following evidence had been gathered: blood samples and buccal epithelial cells were collected from family members G.P.H., J.C.P., and E.P.H., as well as videos from the cameras at the Galeana Bus Station in Michoacán. On September 26, requests were sent to the Red Cross, rehabilitation centers, hospitals, forensic services, the bus station, and the Secretariat of Public Security, all in Los Reyes de Salgado. It was added that search notices were posted in visible locations throughout the town.

7. According to a report by the FGM dated September 26, 2020, it was confirmed that, at the time of the events in Coperito, a security checkpoint operated by the Peribán Municipal Police and armed civilians was active. At this checkpoint, the public transportation bus transporting the victims to Apatzingán, Michoacán, was stopped. In turn, in a statement dated September 29, 2020, one of Yazmín Yareli Sánchez’s family members informed the authorities that the beneficiary had visited them at their residence on September 25, 2020, hugged them, and told them that she was leaving, but did not indicate where she was going. The relative noted that the beneficiary had been beaten and added that “she went into her room, took some clothes, took them in her hand, said goodbye to me, left the house, and I didn’t see where she went. I didn’t know what to do.” On May 5, 2021, the FGM requested interviews with relatives of the beneficiary Paulina Lemus. It was added that on September 26, 2020, precautionary measures were ordered for the protection and care of the beneficiaries’ families, but the FGM had not received any communication from them. On May 7, 2021, the FGM again ordered protection measures in favor of the family members.

8. In its 2023 report, the State updated that in August 2022, the FGM arranged for the collection of the phone sheet and call detail records of the beneficiaries, through a judicial authorization. On February 5, 2023, proceedings were ordered based on the coordinates provided by the telephone analysis. On September

³ IACHR, Resolution 66/2020, previously cited, para. 1.

17, 2022, responses were received from hospitals, shelters, social reintegration centers, public security institutions, the Red Cross, forensic services, and bus stations in La Piedad, Michoacán, with negative results. It was added that in Uruapan, Michoacán, search operations were carried out from September 28 to November 29, 2022, in “various locations,” with no results. On January 24, 2023, the prosecutors’ offices of the remaining 31 states of Mexico and the Attorney General of the Republic were activated. On February 8, 2023, a request was made to collect genetic samples from family members, and protective measures were again ordered in their favor. The National Commission for the Search for Persons (CNBP) shared the “Unique Search File” (*Folio Único de Búsqueda*) numbers of the beneficiaries and reported that a comparison had been made with the database of mass graves as of November 24, 2022.

9. In its 2025 communication, the State reported that the FGM continues to carry out investigative actions to locate the beneficiaries. On September 19, 2024, the Prosecutor’s Office in Apatzingán was requested to conduct investigative procedures, as well as to distribute missing persons notices and carry out search patrols. On September 23, 2024, the Directorate of Public Security of Peribán de Ramos (DSP-PR) was requested to verify whether the officers who were on duty on September 1, 2, and 3, 2020 were still active. On October 15, 2024, the DSP-PR reported that it had no information regarding the missing persons and submitted a list of active personnel. On November 25, 2024, officers from the DSP-PR Municipal Police were interviewed, and some stated that “certain interviews consistently indicated that in the locality of Copetiro, they did not carry out surveillance patrols or operate police checkpoints.” On November 27, 2024, a genetic report was requested to verify any matches with unidentified bodies or remains. Furthermore, the investigation file ordered a Context Analysis to be carried out in relation to the circumstances surrounding the disappearance, and the National Register of Missing Persons (RNPED) was updated with information on the beneficiaries.

c. Information provided by the representation

10. The IACHR has not received observations from the representation during the time these precautionary measures were in force, despite repeated requests for information.

IV. ANALYSIS OF THE REQUIREMENTS OF SERIOUSNESS, URGENCY, AND IRREPARABLE HARM

11. The precautionary measures mechanism is part of the Commission’s functions of overseeing compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States. These general oversight functions are provided for in Article 41 (b) of the American Convention on Human Rights, as well as in Article 18 (b) of the Statute of the IACHR; while the mechanism of precautionary measures is set forth in Article 25 of the Commission’s Rules of Procedure. In accordance with this Article, the IACHR grants precautionary measures in urgent and serious situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

12. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.⁴ Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights.⁵ To do this, the IACHR shall assess the

⁴ I/A Court H.R., [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#), Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; [Case of Carpio Nicolle et al. v. Guatemala](#), Provisional Measures, Order of July 6, 2009, considerandum 16.

⁵ I/A Court H.R., [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 8; [Case of Bámaca Velásquez](#), Provisional measures regarding Guatemala, Order of January 27, 2009, considerandum 45; [Matter of Fernández Ortega et al.](#), Provisional measures regarding Mexico, Order of April 30, 2009,

problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.⁶ Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under study by the organs of the inter-American system. Their precautionary nature aims at safeguarding the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect of the final decision. In this regard, precautionary or provisional measures allow the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations. In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

13. In this sense, Article 25(7) of the Commission’s Rules of Procedure establishes that decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions. Article 25(9) sets forth that the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force. In this regard, the Commission shall assess whether the serious and urgent situation and the risk of irreparable harm that caused the adoption of the precautionary measures persist. Furthermore, it shall consider whether there are new situations that may meet the requirements outlined in Article 25 of its Rules of Procedure.

14. Similarly, the Commission recalls that while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard of review, keeping such measures in force requires a more rigorous evaluation.⁷ In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.⁸ The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures.⁹

15. The Commission observes that the representation has not provided any response in these proceedings during the time the precautionary measures were in force. This is despite the State’s reports being forwarded and information being requested on seven occasions since the measures were granted, and over four years have elapsed without any communication. The foregoing makes it difficult for this Commission to carry out its mandate through the effective follow-up of these precautionary measures, and in view of their useful effect in this type of cases.

16. In the matter at hand, the Commission recalls that the precautionary measures were granted in response to the disappearance of the beneficiaries in September 2020. It was reported that, after being

considerandum 5; [Matter of Milagro Sala](#), Provisional measures regarding Argentina, Order of November 23, 2017, considerandum 5. (Available only in Spanish)

⁶ I/A Court H.R., [Matter of Milagro Sala](#), Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; [Matter of the Criminal Institute of Plácido de Sá Carvalho](#), Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6 (Available only in Spanish).

⁷ I/A Court H.R., [Case of Fernandez Ortega et al.](#), Provisional Measures regarding Mexico, Order of February 7, 2017, considerandums 16 and 17 (Available only in Spanish).

⁸ I/A Court H.R., [Case of Fernandez Ortega et al.](#), previously cited, considerandums 16 and 17.

⁹ I/A Court H.R., [Case of Fernandez Ortega et al.](#), previously cited, considerandums 16 and 17.

placed in a police vehicle in Copetiro on September 2, 2020, and last seen a few days later, their whereabouts have been unknown. The Commission requested the State to take the necessary measures to locate them or determine their whereabouts, coordinate measures, and investigate the facts.¹⁰

17. The Commission confirms that, since the granting of these precautionary measures and during the time they were in force, the State has provided information on the measures adopted to locate the whereabouts of the beneficiaries. In this regard, the Commission highlights the following:

- a. Investigation of the incidents. The FGM launched an investigation into the disappearance on September 6, 2020. They gathered statements, took samples from family members, coordinated between local prosecutors, sought answers from various institutions, and posted missing person flyers since 2020. Subsequently, it was verified that a security checkpoint was held by the Peribán Police on the day of the events and it was known that beneficiary Yasmín Yareli Sánchez was last seen on September 25, 2020. In 2022, data was recovered from the beneficiaries' phones, and information was requested from various institutions and other prosecutors' offices within the entities and the Office of the Attorney General. In 2024, members of the Peribán Municipal Police were requested and interviewed, and a Context Analysis was ordered.

The IACHR highlights the various steps taken since the investigation was opened in September 2020 after the disappearance was reported, as well as its continuation to date.

- b. Search efforts. The CNBP has open records of beneficiaries and began comparing them with the mass grave database in 2022. In 2024, a genetic analysis was requested to determine possible matches. The CNBP has also updated the RNPED with data on the beneficiaries. In addition, the Michoacán State Office of the Attorney General Office (FGM) reported that search operations were carried out between September and November 2022 and that identification cards and search routes were requested for 2024. The Commission acknowledges the actions of the CNBP as a specialized body in the field of tracing.
- c. Agreement. The Commission appreciates the fact that the FGM ordered measures for the protection and care of the beneficiaries' families on September 26, 2020, May 7, 2021, and February 8, 2023.

18. In the analysis of compliance with the procedural requirements in cases of disappearances, each specific case must be evaluated, taking into account the time elapsed, the actions of the competent authorities, as well as the allegations of the representation. In this matter, the Commission notes the actions taken by State bodies to search for and locate the beneficiaries, both within the framework of the investigation file by the FGM and through the tools of the CNBP. In addition, the Commission highlights that over four years have elapsed since the disappearance, highlighting the lack of procedural momentum on the part of the representation, without providing updates or responding to the IACHR's requests during the time these measures were in force. The lack of information by the representation over four years does not allow identifying challenges or specific actions to be implemented in the search and/or investigation for the disappearance of the beneficiaries, which allow noticing the continuity of a useful effect of the precautionary measures.

19. In this regard, the Commission takes into account that when granting precautionary measures for recent disappearances, it does so within a specific temporal context, with the goal of ensuring that "the competent authorities adopt expeditious action to find the person's whereabouts and avoid irreparable harm."¹¹ In this sense, the IACHR, like the Inter-American Court of Human Rights, considers that "the passage

¹⁰ IACHR Resolution 66/2020, previously cited, para.

¹¹ IACHR, [Resolution to Lift 2/202](#), Precautionary Measure No. 1002-041, Luis Alberto Sabando Veliz regarding Ecuador, January 4, 2021, para. 16.

of time [...] and the lack of progress in the investigations directly affect the useful effect of the provisional [or precautionary] measures.”¹² In this regard, in specific situations, the Commission has lifted precautionary measures regarding situations of disappearance, assessing the passage of time and the actions implemented by the State,¹³ understanding that the allegations and the situation would be better suited to be analyzed within the framework of a petition or case.

20. The Commission emphasizes, following the Inter-American Court on the issue of missing persons, and given the passage of time, that the analysis of the actions carried out by the State within the framework of the criminal investigations corresponds to a substantive analysis, which is better suited to the framework of petitions and individual cases system, in the framework of an individual petition and when the applicable procedural prerequisites are met.¹⁴

21. Considering the nature of the precautionary measures mechanism, based on the information available, and the analysis carried out, the Commission understands that, to date, that it has no elements to support compliance with the requirements of Article 25 of its Rules of Procedure. Given the above, and taking into account the exceptional and temporary nature of precautionary measures,¹⁵ the Commission considers it pertinent to lift these measures.

22. In line with what was indicated by the Inter-American Court in various matters,¹⁶ a decision to lift cannot imply that the State is relieved from its general obligations of protection, contained in Article 1.1 of the Convention, within the framework of which the State is especially obliged to guarantee the rights of persons at risk and must promote the necessary investigations to clarify the facts, followed by the consequences that may be established. In the same way, also based on the assessment of the Inter-American Court, the lifting of the precautionary measures does not imply an eventual decision on the merits of the controversy if the case were to be brought before the inter-American system through a petition, nor does it prejudice state responsibility for the events denounced.¹⁷

23. Lastly, taking into account the allegations that “State agents were involved or could at least have knowledge of the disappearance,” which the IACHR assessed at the time of these measures were granted,¹⁸ the obligations contained in the Inter-American Convention on Forced Disappearance of Persons remain relevant. The State of Mexico is called to continue with the relevant investigations and search efforts, with the

¹² I/A Court H.R., [Matter of Juan Almonte Herrera et al. regarding the Dominican Republic](#), Provisional Measures, Order of November 13, 2015, considerandum 14 (Available only in Spanish).

¹³ See, *inter alia*: IACHR [Resolution 13/2021](#), Precautionary Measure No. 240-15, José Fernando Choto Choto et al. regarding El Salvador, February 4, 2021; [Resolution 2/2021](#), Precautionary Measures No. 1002-04, Luis Alberto Sabando Veliz regarding Ecuador, January 4, 2021; [Resolution 31/2023](#), Precautionary Measures No. 170-18, Óscar Álvarez Rubio regarding El Salvador, May 29, 2023 (Available only in Spanish); [Resolution 31/2023](#), Precautionary Measure No. 265-23, Carla Valpeoz regarding Peru, May 29, 2023 (Available only in Spanish); [Resolution 61/2023](#), Precautionary Measures 201-18, Raffaele Russo, Antonio Russo, and Vincenzo Cimmino regarding Mexico, October 20, 2023 (Available only in Spanish); [Resolution 85/2023](#), Precautionary Measures No. 455-14, Dubán Celiano Días Cristancho regarding Colombia, December 27, 2023; [Resolution 86/2023](#), Precautionary Measures No. 147-15, Donatilo Jiménez Euceda and his family unit regarding Honduras (PM-147-15), December 27, 2023 (Available only in Spanish); [Resolution 25/2024](#), Precautionary Measures No. 264-10; Gerardo Vera Orcino, Javier Martínez Robles, and Francisco de Asís Manuel regarding Mexico, April 27, 2024.

¹⁴ I/A Court H.R., [Case of Juan Almonte Herrera et al. regarding the Dominican Republic](#), previously cited.

¹⁵ I/A Court H.R., [Matter of Adrián Meléndez Quijano et al.](#), Provisional Measures regarding El Salvador, Order of August 21, 2013, para. 22; [Matter of Galdámez Álvarez et al.](#), Provisional Measures regarding Honduras, Order of November 23, 2016, para. 24 (Available only in Spanish).

¹⁶ I/A Court H.R., [Case of Velásquez Rodríguez](#), Provisional Measures regarding Honduras, Order of January 15, 1988, considerandum 3 (Available only in Spanish); [Matter of Giraldo Cardona et al.](#), Provisional Measures regarding Colombia, Order of January 28, 2015, considerandum 40 (Available only in Spanish), and, [Case of Vélez Loor Vs. Panama, Panama](#), Provisional Measures, Order of May 25, 2022, considerandum 62 (Available only in Spanish).

¹⁷ I/A Court H.R., [Matter of Guerrero Larez](#), Provisional Measures regarding Venezuela, Order of August 19, 2013, considerandum 16 (Available only in Spanish); [Matter of Natera Balboa](#), Provisional Measures regarding Venezuela, Order of August 19, 2013, considerandum 16.

¹⁸ IACHR, Resolution 66/2020, previously cited, para. 17.

aim of clarifying the facts and circumstances surrounding the disappearance of Franco Peñaloza Hernández, Yazmín Yareli Sánchez, José Ángel Peñaloza Hernández, and Paulina Lemus Hernández.

V. DECISION

24. The Commission decides to lift the precautionary measures granted in favor of Franco Peñaloza Hernández, Yazmín Yareli Sánchez, José Ángel Peñaloza Hernández, and Paulina Lemus Hernández in Mexico.

25. The Commission recalls that the lifting of these measures does not prevent the representation from filing a new request for precautionary measures, should they consider that there exists a situation presenting a risk that meets the requirements set forth in Article 25 of its Rules of Procedure.

26. The Commission instructs its Executive Secretariat to notify this resolution to the State of Mexico and to the representation.

27. Approved on April 19, 2025, by Andrea Pochak, First Vice-President; Arif Bulkan, Second Vice-President; Edgar Stuardo Ralón Orellana; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary